

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LINH BAO,

Petitioner,

vs.

ROBERT HOUSTON,

Respondent.

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4:05cv3021

MEMORANDUM AND ORDER

This habeas corpus case is before the court on the following pending matters: (1) filing no. 26, the Motion to Expand the Record filed by the petitioner, Linh Bao; and (2) filing no. 27, the petitioner's Motion for Leave to Supplement Habeas Petition Pleading. In both motions, the petitioner asks the court to consider parts of the state court record not previously designated by the respondent. The respondent has not objected to, or otherwise responded to, either motion. Accordingly, filing nos. 26 and 27 are granted.

THEREFORE, IT IS ORDERED:

1. That filing no. 26, the petitioner's Motion to Expand the Record, is granted, and by May 8, 2006, the respondent shall file with the court or hand deliver to the Clerk of Court, the Bill of Exceptions and all trial exhibits, witness lists, briefs and other materials submitted during the petitioner's trial; and

2. That filing no. 27, the petitioner's Motion for Leave to Supplement Habeas Petition Pleading, is granted, and the documents attached to filing no. 27 are accepted for filing and are made part of the record of this case instant; and

3. That even if there is some duplication of documentation involved in filing nos. 26 and 27, the respondent shall produce the entire Bill of Exceptions for the petitioner's trial

as requested by the petitioner in filing no. 26, and so as to assist the court in considering the issues presented in this habeas corpus case.

Dated this 7th day of April, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge